

BETWEEN	VINCENT DALZELL Appellant
AND	JUDO NEW ZEALAND Respondent
AND	MATTHEW SEXTON Interested Party
AND	MATTHEW ROWLEY Interested Party

**REASONS FOR DECISION OF SPORTS TRIBUNAL GIVEN ON 12 OCTOBER 2025
22 October 2025**

Hearing	10 October 2025 – virtual by Microsoft Teams
Present	Andrew McCormick & Patrick Brand, counsel for Appellant Vincent Dalzell, Appellant Zane Lightfoot & Craig Bartlett for Respondent (Judo NZ) Matthew Sexton (Interested Party) Matthew Rowley (Interested Party)
Tribunal	Warwick Smith (Acting Chair) Andrea Twaddle (Deputy Chair) Ruth Aitken
Registrar	Luke Macris

INTRODUCTION

1. The Result Decision of this Tribunal, allowing the appeal and referring it back to the Respondent Judo New Zealand (“Judo NZ”) for reconsideration (with brief reasons and guidance) was delivered on 12 October 2025. The Result Decision was as follows:
 8. None of the athletes competing for selection in the u100 kg category for the Oceania Open Gold Coast 2025 event (the Gold Coast event) satisfied the eligibility criteria set out in clauses 2.7.5.A.(b) and 2.7.6.A.(a) of the “National and International Teams - Player Selection” section of the Judo NZ Bylaws (the Bylaw). Specifically:
 - a. Mr. Dalzell did not have four podium finishes in the class, in the 12 months prior to the selection, in the events listed in clause 2.7.5.A.(b) of the Bylaw;
 - b. Mr. Sexton did not have four podium finishes in the class, in the 12 months prior to the selection, in the events listed in clause 2.7.5.A.(b) of the Bylaw;
 - c. Mr. Rowley did not have four podium finishes in the class, in the 12 months prior to the selection, in the events listed in clause 2.7.5.A.(b) of the Bylaw and did not have points in the class as required by clause 2.7.6.A.(a).(v) of the Bylaw.
 9. The selectors erred by purporting to apply the overriding discretion in clause 2.7.6.A.(c) of the Bylaw to reach their decision that each of the athletes was eligible to compete in the Gold Coast event. The overriding discretion in clause 2.7.6.A.(c) is available in respect of selection determinations, not eligibility determinations. The only discretion available to Judo NZ in making eligibility determinations is that provided for in clause 2.7.6.B of the Bylaw, and that discretion could only be exercised with the approval of the President of Judo NZ.
 10. While the President of Judo NZ happened to be a member of the selection panel that considered the selection of the three athletes in this case, no consideration was given by the selectors to the possible exercise of the discretion available under clause 2.7.6.B, and there is no evidence that the President of Judo NZ separately considered clause 2.7.6.B or gave any approval under that clause.
 11. Under clause 2.7.5.A.(d), selections could only be made from the eligible pool of Judoka. As none of those considered for selection in the u100 kg class for the Gold Coast event met the relevant eligibility criteria, the selection decisions made by the selectors cannot stand. The matter is accordingly referred back to Judo NZ to make a fresh determination on the eligibility of each of the three athletes, taking into consideration the possible exercise of the discretion conferred on selectors and the President under clause 2.7.6.B of the Bylaw. If following that reconsideration any of the three athletes is found to be eligible for selection, the selectors are to reconsider whether that athlete should be selected for the Gold Coast event, taking into account all relevant selection criteria (including the criteria listed at clause 2.7.5.A.(b) and any of the clause 2.7.6.A.(c) discretionary factors the selectors may consider relevant).
 12. The Tribunal accepts Mr. Dalzell's submission that any exercise of the discretion under clause 2.7.6.B cannot be totally unfettered. Judo NZ is directed to take into account in any exercise of that discretion the factors in the Guidance section of this Result decision.

Guidance to Judo NZ on the exercise of the discretion under clause 2.7.6.B

13. The Tribunal gives the following guidance for any exercise of the discretion under clause 2.7.6.B:
 - (i) In exercising any discretion under clause 2.7.6.B, the selectors and the President must give bona fide consideration to the question of the extent to which the exercise of the discretion in favour of eligibility might have an adverse impact on Judo NZ and its wider interests, including the desirability that all Judoka can be confident that the Bylaw will be applied fairly and impartially;

- (ii) The positions of each athlete should be considered separately in any exercise of the clause 2.7.6.B discretion;
- (iii) Subject to the foregoing, the selectors and the President are not precluded from taking into account any matters they may reasonably consider relevant to each eligibility decision (including, if the selectors and the President reasonably consider them relevant to eligibility, any of the discretionary factors listed in clause 2.7.6.A.(c) of the Bylaw);
- (iv) The selectors and the President may give consideration to any cases in which one or more of the three athletes may have been told that a particular international event would qualify for eligibility purposes under clause 2.7.5.A.(b) (in substitution for one of the events prescribed in that clause), if they consider that a failure to take that event into account may result in substantial unfairness to that athlete.

2. The Tribunal now gives its full reasons for the Result Decision.

BACKGROUND

- 3. Vincent Dalzell (the Appellant) filed an urgent appeal against the decision of Judo NZ not to select him to attend the Gold Coast event.
- 4. Mr Dalzell was one of three judoka competing for two spots in the u100 kg category at the Gold Coast event. The other two judoka were Matthew Sexton and Matthew Rowley. Judo NZ selected Mr Sexton as its first selection, and Mr Rowley as its second selection. It named Mr Dalzell as the reserve. Mr Dalzell subsequently appealed that decision.
- 5. At a pre-conference hearing convened on 29 September 2025, the Tribunal set a compressed timetable for filing of evidence and submissions. The matter was urgent, as the last day for Judo NZ to register the two judoka it selected for the Gold Coast event was 15 October 2025.
- 6. The Tribunal made orders at the conference joining Mr Sexton and Mr Rowley as “interested parties”, and both subsequently elected to participate in the proceeding. Neither filed a statement of evidence, but both appeared and made brief submissions at the hearing referred to below.
- 7. The hearing was convened by video conference at 8:30am on 10 October 2025. Mr. Dalzell was represented by Mr. McCormick and Mr. Brand. Judo NZ was represented by two of the selectors, Mr. Zane Lightfoot (Judo NZ’s National Technical Director) and Mr. Craig Bartlett. Neither Mr. Sexton nor Mr. Rowley was represented by counsel.
- 8. Evidence statements were provided by Mr. Dalzell and his club coach Mr. Koster, and by Mr. Lightfoot and Mr. Bartlett. Mr. Lightfoot and Mr. Bartlett were both cross-

examined by counsel for Mr. Dalzell, but Judo NZ elected not to cross-examine Mr. Dalzell or Mr. Koster. The Tribunal received brief written submissions from Mr. Dalzell and Judo NZ prior to the hearing and heard oral submissions from all parties at the hearing.

The Selection Regime – Judo NZ Eligibility and Selection Criteria

9. The applicable Judo NZ eligibility and selection criteria were those set out in the Bylaw at cl. 2.7 (National and International Teams – Player Selection) and, in particular, cl. 2.7.5 (Selection Procedure) and cl. 2.7.6 (Overriding Principles).
10. Cl. 2.7.5. (Selection Procedure) included the following:

2.7.5 Selection Procedure

A. Cadet, Junior and Senior Age groups

- a. Judoka will only be eligible to represent New Zealand at events within the level, for that particular age group, they have qualified for. The competitions within each level for this purpose will be:

Level	Cadets	Juniors	Seniors
Domestic			Domestic events
International			OJU Senior Champs or equivalent replacement event, Senior WRL events, Senior Euro Cups
Elite			Senior World Championships, Grand Slams, Grand Prix, Masters

- b. In order to move from domestic level competition to be eligible to represent New Zealand at the International level, fulfilment of criteria for national squad membership and four podium finishes is required within the applicable age category and weight division from the following events:
- Auckland International Open
 - Waikato Bay of Plenty Open
 - Wellington Open
 - Canterbury Open
 - North Island Open
 - South Island Open
 - National Championships
- c.
- d. The selections will be from the eligible pool of judoka (as specified above) based on the following criteria:
- i. Recent international contest wins
 - ii. National ranking list
 - iii. National championship results
 - iv. Head to head results
 - v. Recognition of overseas training

11. Clause 2.7.6. (Overriding Principles) included the following:

2.7.6 Overriding Principles

A. The overriding principles to be applied are that: -

- a. Eligibility - Athletes seeking selection to represent New Zealand must:
 - i be New Zealand citizens for relative events
 - ii have signed the JNZ team contract if required
 - iii have signed the drug consent form, if required
 - iv be a member of the JNZ National Squad, by gaining points in at least two different recognised events over the previous 12 months
 - v the qualifying period is 12 months before selections
 - vi athletes will only be considered in the weight categories they have points in, and recent points in a particular weight category, will carry more weight, than previous points in a different category
 - vii there is no obligation on JNZ to fill all the positions
 - viii for any event where a supported New Zealand team is attending or where there are limitations on entry participation will be restricted to the selected team only
- b. Other considerations – The selectors must also consider the following: -
 - i each player selected must bring credit to themselves, JNZ, and New Zealand. This will include, where considered necessary, fitness testing and/or medical/injury clearance. Any previous behavioural problems and/or concerns will also be taken into consideration when applying this principle
 - ii meet the requirements of DFSNZ
 - iii all selected players must commit to any JNZ pre-event training programme unless given specific dispensation
- c. Overriding Discretion – The selectors can apply their discretion during selections, including considering the following factors about athletes:
 - i attitude and past behaviour
 - ii current level of skill and fitness
 - iii ability to function in a team with fellow athletes, coaches and managers
 - iv attitude, effort and performance during the national training camp
 - v development opportunity for a specific athlete
 - vi the selectors are satisfied that the athlete can perform at the required level
 - vii where the event allows for multiple entries in a category, the Selectors may, at their discretion, award selection places on the basis of development opportunity. In these cases if an athlete is selected for their development for an event where a training camp is also to be held their selection is contingent upon them attending the camp.
 - viii allowing for injuries/illness affecting performances and/or results
 - ix allowing for returning players after lay-off
 - x allowing for change of age and/or weight categories

B. General - However, at its absolute discretion and subject to the President's approval, the selectors may consider an applicant who does not qualify under the above criteria.

- C. Trials - Where in the opinion of selectors there is little to separate players trials may be held. Permission to stage Trials shall only be given by a Governing Body of JNZ or the NTD. Trials shall be run as per the article Selection Trials in the JNZ Sporting Code.
- D. The selection criteria for each event will be published on the website along with the selectors' names and other details such as date and venue.

12. On 31 August 2025, Mr. Lightfoot sent an email to all club administrators giving notice of the Gold Coast event and inviting expressions of interest from judoka wanting to be considered for selection. The email included the following:

Who can take part?

This is a senior level event, and we are restricted to two per weight category, this is a self-funded trip.

To be eligible, players need to:

- Have attended the 2025 National Training Camp
- Show their best results from **3 national** and **3 international** events in the past 12 months
- Hold a valid New Zealand passport

....

Criteria

The Commonwealth Games Nomination criteria alongside the standard Judo NZ selection criteria for International Representation will apply.

13. In addition to the Bylaw provisions and the 31 August 2025 email described above, Mr. Dalzell produced with his rebuttal statement a Judo NZ policy document entitled *Athlete Pathway to International Representation and Commonwealth and Olympic Games Nomination*. This document appears to have been issued in September 2022, and it included the following with regard to "International" events:

Step 1

Athletes enter and compete Area Opens and JNZ events - North & South Islands and Nationals - to establish that they are at or near the top of their age group and weight category.

This can be confirmed by checking the JNZ ranking system that can be found on the JNZ website under Resources/Documents/High Performance.

Step 2

Once athletes have attained four (4) podium finishes at these events the previous calendar year and have attended the last National Training Camp, they are eligible to represent New Zealand at overseas Continental Opens for the division they have qualified in eg Cadets, Juniors or Seniors.

However it is recommended that the first step in the international arena should be going to the various Australian State Opens to test themselves at the Australasian level before venturing further afield to events that have IJF World Ranking List (WRL) points attached to them, such as the Hong Kong and Macau Opens, OJU Opens and Championships.

Up to two of podium achieved at the Australian State Open events can be counted for the JNZ Ranking system and be part of the four podiums requirement.

Judo NZ Selection Committee meeting convened on 8 September 2025

14. The Tribunal was provided with excerpts of the Meeting Minutes relating to the u100 kg category. The Minutes included the following:

Eligibility – None of -100kg athletes met the performance criteria for immediate selection – points they did not meet criteria on as follows:

Matthew Sexton – Did not attend NTC, No Domestic results in previous 12 months

Vincent Dalzell – Applied for Dispensation to switch NTC to Canberra, then applied to have it switched to Sydney Camp – He did not attend, Only 3 Domestic Podiums (not 4).

Matthew Rowley – No Podiums at -100kg,

Discretionary Selection – Under section 2.7.6.(c) Overriding Discretion the selectors decided that all three were to be considered as eligible

Vincent Dalzell – discretion applied in accordance with 2.7.6 (c) (v)

Matthew Rowley - discretion applied in accordance with clauses 2.7.6.A (c) (vi) & (x).

Matthew Sexton – discretion applied in accordance with clauses 2.7.6.A (c) (v),(vi) & (viii).

Selection

In considering selection, the factors that may be taken into account are specified in 2.7.5.A (d). There is no prescribed priority or weighting to these factors and as such it is at the selectors discretion which of these factors take precedence.

Given that the event has WRL points equivalent to a IJF Grand Prix the normal eligibility for this level is 5 international wins at Senior WRL events, however it is technically classed as a Continental Open.

The selectors agreed that primary importance should be placed on the first criteria “Recent international contest wins” as that was the best indication of ability to perform at the event. Recent was considered to be within the last 2 years – in line with the period of the IJF WRL.

GROUND OF APPEAL & SUMMARY OF ARGUMENTS

15. The ground of appeal and issue for determination was whether:
- The applicable selection criteria had been properly followed and / or implemented.
16. In his Appeal Brief, Mr. Dalzell contended that, as the selection criteria had not been properly followed or implemented, there was no material on which the selection decision could have been reasonably based. He contended that neither Mr. Sexton nor Mr. Rowley met the selection criteria, and that he was the only one of the three athletes who met the selection criteria stated in Mr. Lightfoot’s 31 August 2025 email. He asked for an order quashing the selection decision and remitting the matter to Judo NZ with a direction that the players in the u100 kg. division be re-selected, with himself with either Mr. Sexton or Mr. Rowley.

17. In his rebuttal evidence, Mr. Dalzell acknowledged that the “four podiums” criterion had been “applied liberally” by Judo NZ, and he contended that his three podium finishes within the 12 months period prescribed by clause 2.7.6.A.(a).(v) of the Bylaw¹ meant that he was eligible for selection without the need for the exercise of any discretion under the Bylaw. Mr. Dalzell relied in support of that statement on the following passage from Mr. Bartlett’s statement of evidence:

[16] Over the course of 2025 the selectors have more liberally applied this overriding discretion in relation to the lower level of international events. In taking this approach, the selectors have generally considered three podium finishes sufficient to be eligible for selection and also taking into account overseas events as an acceptable equivalent to the specified list of events. The reasons for doing this are twofold – to allow more development opportunities and because the Selection Bylaw is currently under review by Judo NZ.

18. In their submissions on eligibility, Mr. McCormick and Mr. Brand referred to Mr. Dalzell’s evidence of his three podium finishes and submitted that Mr. Sexton did not meet the eligibility criteria at the time the selections were made. They also addressed in their submissions the ambit of the “absolute discretion” conferred on the selectors by clause 2.7.6.B (subject to the approval of the Judo NZ President). On that issue, they submitted that the clause does not afford the selectors carte blanche to do as they please. The exercise of the absolute discretion was said to be subject to “unreasonableness review”, and it must be informed by the objectives and aims of the selection policy. They submitted that the discretion was to be exercised in good faith, in accordance with the terms of the relevant selection policy, and in a manner that was not unreasonable, arbitrary or capricious.²
19. Mr. McCormick and Mr. Brand rejected the selectors’ view that, in placing primary importance on “recent international wins” as an indicator of ability to perform at the Gold Coast event, “recent” could be interpreted as meaning “within the last two years”. They submitted that a two-year eligibility period has not previously been applied by Judo NZ.
20. For Judo NZ, Mr Lightfoot and Mr Bartlett submitted that the selection decision was made in good faith, transparently, and in line with the established policy and requirements of the Bylaw. In doing so, they argued that they appropriately applied their discretion afforded by the Bylaw with respect to both eligibility and selection.

¹ First placings at the National Championships in October 2024 and at the Canterbury Open in February 2025, and a third placing at the ACT Open in February 2025.

² Referring to the decision of the National Sports Tribunal of Australia in *Collin v Paddle Australia* NST-E23-97851 at [44] – [46].

Reasons for the Tribunal's decision

Was Mr. Dalzell eligible for selection without the need for the selectors to exercise any discretion?

21. The Tribunal is satisfied that he was not. Clause 2.7.5.A.(b) of the Bylaw quite clearly stated that four podium finishes were required, and Mr. Dalzell only had podium finishes in two of the events specified in that clause (even if his third placing in the ACT Open were counted, he would still have fallen short of the required number of podium finishes required for eligibility). It appears that, from sometime early in 2025, the selectors had decided to apply this provision more “liberally”, and accept three podium finishes (that could include podium finishes at international events) as sufficient to meet the eligibility threshold, but the selectors did not have any power to effectively amend the Bylaw by purporting to unilaterally reduce eligibility standards that were expressly prescribed in the Bylaw (whatever might have been the perceived need for the change). And as we discuss below, the discretions available to the selectors under the Bylaw did not in any event empower them to give “across the board” dispensations from the prescribed eligibility criteria. The “overriding discretion” conferred on the selectors by clause 2.7.6.A.(c) was only capable of being exercised “during selections” – it did not confer power on the selectors to apply different eligibility criteria from those prescribed in the Bylaw. There is a broader “absolute discretion” in clause 2.7.6.B, but the discretion in that paragraph is a discretion to “consider an applicant who does not qualify under the above criteria”. The intention was to provide a means by which a particular athlete's circumstances might receive special consideration in a particular case, not to validate an across-the-board application of different eligibility criteria from those contained in the Bylaw.
22. Quite apart from those considerations, it appears from the evidence that not all the athletes were informed of the more liberal interpretation of the eligibility provisions that the selectors had apparently adopted sometime in early 2025. At the hearing, Mr. Rowley told us he was not aware of that change. Mr. Dalzell relies on the terms of Mr. Lightfoot's email of 31 August 2025, in which expressions of interest were sought for the Gold Coast event, but that document did not state that only 3 podium finishes would be sufficient to meet the eligibility criteria. The judoka were asked to state their best results from “3 national and 3 international events in the past 12 months”, but that was not the same as telling them that the “podium finishes” eligibility requirement had been reduced from four of the specified events to three. Also, under the heading “Criteria” (although the section appears to be concerned with selection rather than eligibility),

there was a statement that “the standard Judo NZ selection criteria for International Representation will apply”.

23. For those reasons, the Tribunal finds that Mr. Dalzell did not meet the prescribed eligibility criteria, and that some available discretion had to be exercised in his favour before he could be considered for selection.
24. The same applied to the other two athletes, neither of whom met the “four podium finishes within the last 12 months” eligibility requirement. The selectors were correct when they said in the Minutes of the 8 September meeting that “None of the -100kg athletes met the performance criteria for immediate selection”.

Did the selectors validly exercise an available discretion in determining that the three athletes were eligible for selection?

25. In the Tribunal’s view, the short answer is “no”. The selectors purported to apply some of the discretionary factors listed in clause 2.7.6.A.(c) of the Bylaw to make favourable determinations on each athlete’s eligibility, but those factors only applied “during selections”. Clause 2.7.6.A of the Bylaw addresses the issue of eligibility first, in subclauses (a) and (b), and in each case the application of the provisions is mandatory (“Athletes seeking selection to represent New Zealand *must*...” (subclause a), and “The selectors *must* also consider the following” (subclause b)). Clause 2.7.6.A at subclause (c) then turned separately to overriding considerations the selectors could (but did not have to) take into account in their selection decisions.
26. In the Tribunal’s view, the structure of clauses 2.7.5 and 2.7.6 was designed to establish separate rules for the determination of (i) eligibility and (ii) selections. The selectors were not entitled to apply clause 2.7.6.A.(c) (selection factors) alone, to treat an athlete as eligible when that athlete did not meet the requirements of clauses 2.7.5.A.(b) and 2.7.6.A.(a) and (b). The only available route for the exercise of a discretion on eligibility, was that provided by clause 2.7.6.B, and the exercise of that discretion required the approval of the President of Judo NZ. Mr. Bartlett frankly and properly acknowledged at the hearing that the selectors did not turn their minds to the possible exercise of the clause 2.7.6.B discretion, nor did the President, who consequentially did not consider the question of possible approval under the clause.
27. For those reasons, the purported exercise of a discretion to deem the three athletes eligible for selection was invalid, and the result of that determination was that the selections could not stand (under clause 2.7.5.A.(d), selections had to be made from

the “eligible pool of judoka”). The Tribunal therefore allowed the appeal, and referred the questions of eligibility and selection back to Judo NZ for determination in accordance with the brief reasons and the guidelines set out in Result decision.

Guidelines for the exercise of the discretion under clause 2.7.6.B

28. First, the Tribunal is satisfied that clause 2.7.6.B was intended to be available both in respect of eligibility and selection decisions. Clause 2.7.6.A provided “overriding principles” to be applied to eligibility and “overriding” discretionary factors that could be taken into account in selections, but the “absolute discretion” conferred by clause 2.7.6.B stood in a separate part of clause 2.7.6, and the clause began with the words: “However, at its absolute discretion.....”. In its ordinary meaning, the Tribunal considers that the use of the word “However” in this context indicated that what followed in the clause would be an exception to the earlier provisions relating to both eligibility and selection (whether in clause 2.7.5 or 2.7.6.A).
29. Mr. Dalzell did not contend that clause 2.7.6.B itself was ultra vires, or invalid for any other reason, and his counsel appeared to accept that the clause 2.7.6.B discretion could have been available to the selectors in appropriate circumstances (although the clause did not confer a completely unfettered discretion). They submitted that the discretion under the clause was subject to the “unreasonableness review” discussed in the *Collin* case³, and the exercise of the discretion had to be informed by the broad aims and objectives of the Bylaw. The discretion would have to be exercised in good faith, and in a manner that was not unreasonable, arbitrary or capricious. In the particular circumstances of this case, they submitted that a decision to apply a two-year eligibility period for “recent” results would be unreasonable when measured against the 12 months period specified in clause 2.7.6.A.(a).(v).
30. In response to that point, Judo NZ pointed out that the “recent” international contest wins appeared in a section of the Bylaw dealing with selections, not eligibility.
31. The Tribunal accepted Mr. Dalzell’s submissions based on *Collin* but noted that the issue in this case is an eligibility issue and that there is already a specific “fetter”, or “safeguard”, in the clause in the form of a requirement that any exercise of the discretion has to be approved by the President of Judo NZ.

³ Above n. 2.

32. In giving its guidance in the Result Decision, the Tribunal was also mindful of the fact that the selectors and the President had not yet considered the exercise of the clause 2.7.6.B discretion. Any guidance it provided to Judo NZ on the exercise of the discretion in those circumstances could only be provided in fairly broad, general terms.
33. There were some areas, however, where the Tribunal considered it could provide some directions on the exercise of the clause 2.7.6.B discretion. First, the requirement that the Judo NZ President (who is not required to be a selector, and presumably will sometimes not be) had to approve any exercise of the discretion, indicated that any exercise of the discretion had to take into account any potential adverse impacts on the wider interests of Judo NZ, including its relationship with its judoka and the maintenance of their confidence that the Bylaw would be applied fairly and impartially. A requirement to have regard to the effect any exercise of the discretion might have on the integrity of the selection and eligibility rules (and the judokas' confidence in the fair and impartial application of those rules), was in the Tribunal's view sufficient to draw to the attention of the selectors and Judo NZ the requirement that any exercise of the clause 2.7.6.B discretion should be adequately informed by the broad aims and objectives of the Bylaw.
34. The need to consider the position of each athlete separately was also a matter the Tribunal considered should be the subject of a specific direction. In this case, the evidence is that the selectors took the view that the "four podiums" provision in the Bylaw was no longer appropriate, but they could use the various discretions in the Bylaw to effectively override that provision for all athletes, regardless of their individual circumstances. In the Tribunal's view that was not the purpose of the discretions, and to apply the discretions in a way that would effectively amount to an amendment of the Bylaw was not a course that was open to the selectors. Specifically in respect of clause 2.7.6.B, the wording of the clause itself (in particular the wording "may consider an applicant who does not qualify under the above criteria") made it clear that the discretion was intended to be exercised in respect of a particular, individual athlete – the clause was not intended to provide a vehicle for the informal amendment of provisions in the Bylaw that the selectors might have considered were no longer appropriate.
35. The guidance given at paragraph 13 (iii) of the Result Decision was given to make it clear that the "absolute discretion" in clause 2.7.6.B did not exclude consideration of some of the discretionary selection factors in clause 2.7.6.A.(c), provided the selectors reasonably considered them relevant to the issue of eligibility.

36. The inclusion of the fourth guidance factor (Result Decision, paragraph 13 (iv)) was intended to be limited to the circumstances of this particular case, and the selection for this Gold Coast event (as a general rule, the selectors should not be advising athletes that particular international events will qualify for eligibility purposes, when that advice would be contrary to the express wording of the Bylaw). Judo NZ stated in their Statement of Defence that Mr. Dalzell did not automatically meet the eligibility criteria as he only had two podium finishes in the specified events, although it noted that he had one further podium in an Australian event (a reference to his third placing in the ACT Open) “that athletes had previously been advised could be substituted for the specified events”. In the Tribunal’s view, a substantial injustice might occur if an athlete incurs substantial costs travelling internationally for an event that he or she has been told by the selectors will qualify for future eligibility purposes, only to later find that the selectors were not entitled to take the international event into account and did not do so. While each such case would have to be considered on its own facts, the Tribunal considered that such injustices might in some cases be serious enough to undermine affected judokas’ confidence in the fair and impartial application of the selection process, to the point where the exercise of the clause 2.7.6.B discretion by the selectors and the President might be appropriate as an extraordinary measure to rectify the injustice.

TRIBUNAL COMMENTS

37. The Tribunal adds the following comments about this case.
38. First, there has been no evidence of bias or lack of integrity on the part of the Judo NZ selectors. The Tribunal is satisfied that they acted in good faith throughout, albeit under a mistaken interpretation of the eligibility and selection criteria in the Bylaws (and in particular, their ability to make up an athlete’s “eligibility shortfall” by having recourse to the discretionary selection criteria at clause 2.7.6.A.(c)).
39. Secondly, the Tribunal has not formed any view on the relative abilities of the three competing athletes, nor on the weight to be given to any of the selection criteria at cl. 2.7.5.A.(d) or cl 2.7.6.A.(c) of the Bylaw. The principal reason for that is that, when the Result Decision was given, it was not known which of the three athletes (if any) would be granted eligibility in the exercise of the cl. 2.7.6.B discretion. However, the Tribunal also notes that its approach to such issues has been clear for quite some time; it is not for the Tribunal to substitute its own view on those issues for the selector’s view, because the “particular weight to be given to individual matters is by the nature of a

selection process an issue for the selectors to consider”⁴. Nor is it appropriate for the Tribunal to “second guess the assessment made by selectors who are undoubtedly more expert in assessing the relevant merits of performances and prospects”⁵.

40. Thirdly, this decision is not intended to impact the decisions made by Judo NZ in relation to any other athletes selected for the Gold Coast event. Those other athletes were not parties to this case and did not have the opportunity to provide evidence or make submissions.
41. Fourthly, the Tribunal considers that the eligibility and selection criteria in the Bylaw are not structured in an easy-to-understand way, whether for the selectors or the athletes. In the Tribunal’s view, the eligibility criteria (including any available discretions) need to be stated clearly and separately from the selection criteria and any discretions applicable to selection. We note that the Bylaw is presently under review, and we commend to Judo NZ the desirability of addressing this issue in their review.
42. Finally, the Tribunal has some sympathy for Mr Dalzell, in that some of the communications to him from Judo NZ were not as clear as they might have been. For example, the invitation to athletes in the email dated 31 August 2025 to “show your best results” (under a heading referring to eligibility), while using “podium finishes” language in the Bylaw, was in the Tribunal’s view potentially confusing.

Costs and Publication

43. Costs were reserved in the Result Decision until after the Tribunal had given its full reasoned decision. Accordingly, and in accordance with Tribunal Rule 30, the parties have 14 days from the release of this decision to bring any application for costs to the Tribunal for consideration.
44. The Tribunal will publish this decision in the usual way to its website together with a media release summarising the decision and factual circumstances.

Dated: 22 October 2025



Warwick Smith
Acting Chair

⁴ *Scott Columb v Motorcycling New Zealand* ST15/16 at [25]

⁵ *Sarah Her-Lee v Table Tennis New Zealand* ST08/14 at [12]


Andrea Twaddle


Ruth Aitken DNZM